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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ALEJANDRO GALVAN-SILVESTRE, JR.,  
  
Defendant.

CASE NO. 1:22-cr-00234-NODJ-BAM

STIPULATION REGARDING CONTINUANCE  
AND EXCLUDABLE TIME PERIODS UNDER  
SPEEDY TRIAL ACT; ORDER

DATE: May 22, 2024  
TIME: 1:00 p.m.  
COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference on May 22, 2024.
2. On May 8, 2024, the Court ordered the parties to file a joint status report and appear for a status conference or stipulate to a trial date
3. Notwithstanding the Court's order, the parties are not able to determine an appropriate resolution in this matter because the immigration consequences pertaining to the charge remain unclear. Since the last status conference, defense counsel has obtained initial immigration counsel; however, due to the lack of clarity regarding the issue, counsel requires additional time to seek further guidance from other immigration specialists. Defense counsel was unable to enter into a stipulation in this matter until

1 today, because she recently returned from annual leave. By this stipulation, therefore, defendant now  
2 moves to continue the status conference until September 11, 2024, and to exclude time between May 22,  
3 2024 and September 11, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

4 4. The parties agree and stipulate, and request that the Court find the following:

5 a) The government has represented that the discovery associated with this case  
6 includes investigative reports produced in electronic form. All of this discovery has been either  
7 produced directly to counsel and/or made available for inspection and copying.

8 b) The government has provided a plea offer to the defendant.

9 c) Counsel for defendant desires additional time for defense investigation, plea  
10 negotiations, and consideration of immigration issues.

11 d) Counsel for defendant believes that failure to grant the above-requested  
12 continuance would deny them the reasonable time necessary for effective preparation and would  
13 prevent defense counsel from providing effective advice regarding the immigration  
14 consequences of a conviction, taking into account the exercise of due diligence.

15 e) The government does not object to the continuance.

16 f) Based on the above-stated findings, the ends of justice served by continuing the  
17 case as requested outweigh the interest of the public and the defendants in a trial within the  
18 original date prescribed by the Speedy Trial Act.

19 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
20 et seq., within which trial must commence, the time period of May 22, 2024 to September 11,  
21 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
22 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
23 of the Court's finding that the ends of justice served by taking such action outweigh the best  
24 interest of the public and the defendant in a speedy trial.

25 5. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
26 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
27 must commence.

28 IT IS SO STIPULATED.

1 Dated: May 17, 2024

2 PHILLIP A. TALBERT  
3 United States Attorney

4 /s/ KAREN A. ESCOBAR  
5 KAREN A. ESCOBAR  
6 Assistant United States Attorney

7  
8 Dated: May 17, 2024

9 /s/ CHRISTINA M.  
10 CORCORAN  
11 CHRISTINA M. CORCORAN  
12 Counsel for Defendant  
13 ALEJANDRO GALVAN-  
14 SILVESTRE, JR.

15 **ORDER**

16 IT IS SO ORDERED that the status conference is continued from May 22, 2024, to **September**  
17 **11, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe.** Time is  
18 excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

19 IT IS SO ORDERED.

20 Dated: May 20, 2024

21 /s/ Barbara A. McAuliffe  
22 UNITED STATES MAGISTRATE JUDGE  
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